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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/637,606	08/15/2000	KEITA KIMURA	107037	1647
25944	7590	05/18/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			HERNANDEZ, NELSON D	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/637,606

**Applicant(s)**

KIMURA ET AL.

**Examiner**

Nelson D. Hernandez

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 26-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election with traverse of Group I in the reply filed on February 15, 2005 is acknowledged. The traversal is on the ground(s) that (that the subject matter of all claims 1-34 is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. This is not found persuasive because

Claims 1-25 (Group I) are drawn to storage of additional data, classified in class 348, subclass 231.3, and claims 26-34 (Group II) are drawn to color balance, classified in class 348, subclass 223.1.

The requirement is still deemed proper and is therefore made FINAL.

### *Claim Objections*

2. **Claim 22** is objected to because of the following informalities: **Claim 22** recites the limitation "said selection device" in lines 19-20. There is insufficient antecedent basis for this limitation in the claim. For examining purposes, the Examiner will read the "selection device" as a "selection". Appropriate correction is required.

### *Claim Rejections - 35 USC § 101*

3. **Claims 15 and 25** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 15 and 25 recites "A data signal that transmits through a communication line..." A data signal is not tangibly embodied. For examining purposes, the Examiner will read the

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on a computer readable medium  
preamble of the claims as "a computer program<sup>^</sup> for transmission of data signal through a communication line".

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-6, 12-20 and 22-25** are rejected under 35 U.S.C. 102(b) as being anticipated by Tomat, US Patent 6,784,925 B1.

Regarding **claim 1**, Tomat discloses an information processing apparatus (See computer system shown in fig. 1: 1), comprising: an input device (Fig. 2: 18) that inputs image data output from an electronic camera (Fig. 1: 14); storage device (Fig. 2: 6) that stores the input image data; and a control device (Figs. 13, 14, 17, 31, 32 and 33) that sets in advance save conditions (i.e. file name, format, location) under which the input image data are to be saved in said storage device and automatically saves the image data in conformance to said save conditions when the image data has been input (Col. 5, line 35 – col. 6, line 27; col. 6, line 34 – col. 7, line 11; col. 8, line 66 – col. 9, line 25; col. 10, line 66 – col. 11, line 26; col. 11, line 49 – col. 12, line 12; col. 12, line 45 – col. 13, line 4).

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Regarding **claim 2**, Tomat discloses the same as in claim 1. Therefore, grounds for rejecting claim 1 apply here.

Regarding **claim 3**, Tomat discloses the same as in claim 1. Therefore, grounds for rejecting claim 1 apply here.

Regarding **claim 4**, Tomat discloses that the save conditions include information related to image processing conditions under which the input image data undergo image processing (Col. 18, lines 7-62).

Regarding **claim 5**, Tomat discloses that the image processing conditions are adopted to process a series of image data output from the electronic camera under a single set of processing conditions (Col. 10, line 66 – col. 11, line 26; col. 11, line 49 – col. 12, line 12; col. 12, line 45 – col. 13, line 4).

Regarding **claim 6**, Tomat discloses that the image processing conditions are set advance before the electronic camera starts to output the series image data (Col. 10, line 66 – col. 11, line 26; col. 11, line 49 – col. 12, line 12; col. 12, line 45 – col. 13, line 4).

Regarding **claim 12**, Tomat discloses a recording medium (Fig. 2: 6) that records therein an information processing program (Figs. 13, 14, 17, 31, 32 and 33) for an information processing apparatus (Computer system in fig. 1:1) that inputs and saves image data output from an electronic camera (Fig. 1: 14) connected to the information processing apparatus, said information processing program comprising: a first instruction for setting in advance save conditions (i.e. file name, format, location) under which the input image data are saved in storage device; and second instruction for automatically saving the image data to

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said storage device under said save conditions when the image data has been input (Col. 5, line 35 – col. 6, line 27; col. 6, line 34 – col. 7, line 11; col. 8, line 66 – col. 9, line 25; col. 10, line 66 – col. 11, line 26; col. 11, line 49 – col. 12, line 12; col. 12, line 45 – col. 13, line 4).

Regarding **claim 13**, Tomat discloses the same as in claim 12. Therefore, grounds for rejecting claim 12 apply here.

Regarding **claim 14**, Tomat discloses that the save conditions include information related to image processing conditions under which the input image data undergo image processing (Col. 18, lines 7-62).

Regarding **claim 15**, Tomat discloses a computer program for transmitting data signal through a communication line (Digital camera interface 2: 18) comprising: an information processing program (Figs. 13, 14, 17, 31, 32 and 33) for an information processing apparatus (Computer system in fig. 1:1) that inputs and saves image data output from an electronic camera (Fig. 1: 14) connected to the information processing apparatus, said information processing program comprising: a first instruction for setting in advance save conditions (i.e. selection of file name, format, location and image correction) under which the input image data are saved in a storage device; and a second instruction for automatically saving the image data to the storage device under said save conditions when the image data has been input (Col. 5, line 35 – col. 6, line 27; col. 6, line 34 – col. 7, line 11; col. 8, line 66 – col. 9, line 25; col. 10, line 66 – col. 11, line 26; col. 11, line 49 – col. 12, line 12; col. 12, line 45 – col. 13, line 4).

Regarding **claim 16**, Tomat discloses the same as in claim 15. Therefore, grounds for rejecting claim 15 apply here.

Regarding **claim 17**, Tomat discloses that the save conditions include information related to image processing conditions under which the input image data undergo image processing (Col. 18, lines 7-62).

Regarding **claim 18**, Tomat discloses an information processing apparatus (See computer system shown in fig. 1: 1), comprising: an input device (Fig. 2: 18) that sequentially inputs data sequentially output from an electronic camera (Fig. 1: 14); a storage device (Fig. 2: 6) that stores in advance standard processing conditions (i.e. selection of file name, format, location and image correction) under which the input data undergo standard processing; a current processing condition setting device (Figs. 13, 14, 17, 31, 32 and 33) that sets in advance current processing conditions under which subsequently input data are to undergo a given type of processing, prior to an input of the subsequently input data; a selection device (Figs. 13, 14, 17, 30, 31, 32, 33 and 50) that can optionally select either one of said standard processing conditions (Fig. 50 teaches auto correct and image rotation, and fig. 13 teaches selection of location, format and file name to be set prior to download the images from the computer) and said current processing conditions prior to the input of the subsequently input data; and a processing device (Fig. 2: 15) that processes the subsequently input data in conformance to the processing conditions selected by said selection device (Col. 5, line 35 – col. 6, line 27; col. 6, line 34 – col. 7, line 11; col. 8, line

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66 – col. 9, line 25; col. 10, line 66 – col. 11, line 26; col. 11, line 49 – col. 12, line 12; col. 12, line 45 – col. 13, line 4; col. 21, line 54 – col. 22, line 37).

Regarding **claim 19**, Tomat discloses a control device (Figs. 13, 14, 17, 31, 32 and 33) that saves said current processing conditions (i.e. selection of file name, format, location and image correction) set by said current processing conditions setting device in said storage device as said standard processing conditions (Col. 5, line 35 – col. 6, line 27; col. 6, line 34 – col. 7, line 11; col. 8, line 66 – col. 9, line 25; col. 10, line 66 – col. 11, line 26; col. 11, line 49 – col. 12, line 12; col. 12, line 45 – col. 13, line 4; col. 21, line 54 – col. 22, line 37).

Regarding **claim 20**, Tomat discloses a second storage device that stores data obtained through processing performed under either said standard processing conditions or said current processing conditions (In figs. 1 and 2 Tomat teaches floppy drive which can be selected as a location to store the image data downloaded by the to the computer using the program as shown in fig. 13) (Col. 5, line 35 – col. 6, line 27; col. 6, line 34 – col. 7, line 11; col. 8, line 66 – col. 9, line 25; col. 10, line 66 – col. 11, line 26; col. 11, line 49 – col. 12, line 12; col. 12, line 45 – col. 13, line 4; col. 21, line 54 – col. 22, line 37).

Regarding **claim 22**, Tomat discloses a recording medium (Fig. 2: 6) that records therein an image-processing program (Figs. 13, 14, 17, 31, 32 and 33) for an image processing apparatus (Computer system in fig. 1:1) that inputs and processes data sequentially output from an electronic camera (Fig. 1: 14), said image processing program comprising: a first instruction for setting in advance current processing conditions (i.e. selection of file name, format, location and



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image correction) under which subsequently input data are to undergo a given type of processing prior to an input of the subsequently input data; a second instruction for enabling optional selection of either standard processing conditions for implementing standard processing on input data saved in advance in a storage device or said current processing conditions, prior to the input of the subsequently input data; a third instruction for sequentially inputting data sequentially (Using digital camera interface shown in fig. 2: 18) output from the electronic camera; and a fourth instruction for processing (Using CPU shown in fig. 2: 15) the subsequently input data under processing conditions selected by said selection device (Col. 5, line 35 – col. 6, line 27; col. 6, line 34 – col. 7, line 11; col. 8, line 66 – col. 9, line 25; col. 10, line 66 – col. 11, line 26; col. 11, line 49 – col. 12, line 12; col. 12, line 45 – col. 13, line 4; col. 21, line 54 – col. 22, line 37).

Regarding **claim 23**, Tomat discloses that the information processing program further comprises a fifth instruction for saving to said storage device said current processing conditions set in response to said first instruction as said standard processing conditions (Col. 5, line 35 – col. 6, line 27; col. 6, line 34 – col. 7, line 11; col. 8, line 66 – col. 9, line 25; col. 10, line 66 – col. 11, line 26; col. 11, line 49 – col. 12, line 12; col. 12, line 45 – col. 13, line 4; col. 21, line 54 – col. 22, line 37).

Regarding **claim 24**, Tomat discloses that the information processing program further comprises an instruction for saving to said storage device data having undergone processing performed in response to said forth instruction

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(Col. 5, line 35 – col. 6, line 27; col. 6, line 34 – col. 7, line 11; col. 8, line 66 – col. 9, line 25; col. 10, line 66 – col. 11, line 26; col. 11, line 49 – col. 12, line 12; col. 12, line 45 – col. 13, line 4; col. 21, line 54 – col. 22, line 37).

Regarding **claim 25**, Tomat discloses a computer program for transmitting data signal through a communication line (Digital camera interface 2: 18) comprising an information processing program (Figs. 13, 14, 17, 31, 32 and 33) for an information processing device (Computer system in fig. 1:1) that inputs and processes data sequentially output from an electronic camera (Fig. 1: 14), said information processing program comprising: a first instruction for setting in advance current processing conditions (i.e. selection of file name, format, location and image correction) under which subsequently input data are to undergo a given type of processing prior to an input of the subsequently input data; a second instruction for enabling optional selection (Using interface shown in figs. 13, 14, 17, 30, 31, 32, 33 and 50) of either standard processing conditions for implementing standard processing on input data saved in advance in a storage device or said current processing conditions, prior to the input of the subsequently input data; a third instruction for sequentially inputting data sequentially (Using digital camera interface in fig. 2: 18) output from the electronic camera; and a fourth instruction for processing the subsequently input data under processing (Using CPU in fig. 2: 15) conditions selected by said selection device (Col. 5, line 35 – col. 6, line 27; col. 6, line 34 – col. 7, line 11; col. 8, line 66 – col. 9, line 25; col. 10, line 66 – col. 11, line 26; col. 11, line 49 – col. 12, line 12; col. 12, line 45 – col. 13, line 4; col. 21, line 54 – col. 22, line 37).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 7-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomat, US Patent 6,784,925 B1 in view of Tullis, US Patent 6,533,243 B1.

Regarding **claim 7**, Tomat discloses an information processing system (Fig. 1), comprising: an electronic camera (Fig. 1: 14) that captures an image of a subject and generates image data; and an image processing apparatus (Computer system in fig. 1:1) that inputs the image data output from said electronic camera, wherein said image processing apparatus comprises an input device (Fig. 2: 18) that inputs the image data output from said electronic camera, a storage device (Fig. 2: 6) that stores the input image data, and a control device (Figs. 13, 14, 17, 31, 32 and 33) that sets in advance save conditions (i.e. file name, format, location) under which the input image data are to be saved in said storage device and automatically saves the image data in conformance to said save conditions when the image data has been input (Col. 5, line 35 – col. 6, line 27; col. 6, line 34 – col. 7, line 11; col. 8, line 66 – col. 9, line 25; col. 10, line 66 – col. 11, line 26; col. 11, line 49 – col. 12, line 12; col. 12, line 45 – col. 13, line 4). Tomat does not explicitly disclose that the electronic camera outputs the generated image data to said image processing apparatus without recording the

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generated image data in a nonvolatile storage device internally provided therein or detachably mounted thereto.

However, Tullis teaches an image pickup apparatus (Fig. 2: 40) comprising: image pickup means (Fig. 2: 48) for image picking up an object image formed through an optical system (Fig. 2: 44) and acquiring image information of said object image; and communication means (Fig. 2: 72) for transmitting the image information obtained in said image pickup means to an external unit (Fig. 2: 10) and receiving the image information after an arbitrary image process from the external unit, wherein the camera transmits directly the image data without having recording said image data to a non-volatile memory (Col. 3, line 62 – col. 4, line 20; col. 5, lines 13-23; col. 6, lines 13-63).

Therefore, taking the combined teaching of Tomat in view of Tullis as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tomat by transferring the captured image data from the camera directly to the computer without recording generated image data in a nonvolatile memory. The motivation to do so would help the information processing system to increase the speed of the system to store the image data and also would help minimize the size of the digital camera since the captured images would be transferred directly to the computer system.

Regarding **claim 8**, Tomat discloses the same as in claim 7. Therefore, grounds for rejecting claim 7 apply here.

Regarding **claim 9**, Tomat discloses that the save conditions include information related to image processing conditions under which the input image data undergo image processing (Col. 18, lines 7-62).

Regarding **claim 10**, Tomat discloses that the image processing conditions are adopted to process a series of image data output from the electronic camera under a single set of processing conditions (Col. 10, line 66 – col. 11, line 26; col. 11, line 49 – col. 12, line 12; col. 12, line 45 – col. 13, line 4).

Regarding **claim 11**, Tomat discloses that the image processing conditions are set advance before the electronic camera starts to output the series image data (Col. 10, line 66 – col. 11, line 26; col. 11, line 49 – col. 12, line 12; col. 12, line 45 – col. 13, line 4).

8. **Claim 21** is rejected under 35 U.S.C. 103(a) as being unpatentable over Tomat, US Patent 6,784,925 B1.

Regarding **claim 21**, Tomat does not explicitly discloses that the control device reinstates contents of said standard processing conditions, which have been replaced with contents of said current processing conditions, contents of the standard processing conditions originally stored in advance in said storage device, as necessary but in fig. 50 teaches editing the image data (Rotating and correcting) in a drop down list, wherein said list also teaches an “Undo” button which can be used to reinstate the contents of the standard processing conditions, which have been replaced with contents of said current processing conditions, contents of the standard processing conditions originally stored in

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advance in said storage device, as necessary after been corrected and/or edited (Col. 21, line 54 – col. 22, line 37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to reinstate previous settings or process made on an image by using an “Undo” application. The motivation to do so would help the information processing system to avoid unwanted process made when editing the images.

### ***Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 8:00 A.M. to 5:30 P.M..

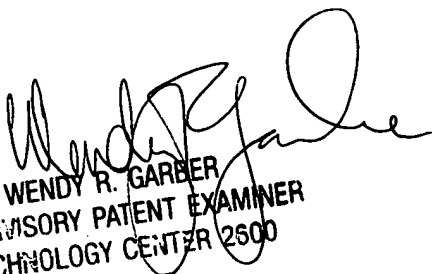
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R. Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nelson D. Hernandez  
Examiner  
Art Unit 2612

NDHH  
April 25, 2005

  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600